



# City of Loma Linda Official Report

Robert Ziprick, Chairman  
Stan Brauer, Vice Chairman  
Floyd Petersen, Board Member  
Robert Christman, Board Member  
Karen Gaio, Board Member

CRA AGENDA: February 22, 2005  
TO: Agency Board Members  
FROM: Pamela Byrnes-O'Camb, Secretary  
SUBJECT: Minutes of January 11 and 22, 2005

## RECOMMENDATION

It is recommended that the Agency Board approve the Minutes of January 11 and 22, 2005.

Regular Meeting of January 11, 2005

**PENDING AGENCY  
APPROVAL**

A regular meeting of the Redevelopment Agency was called to order by Chairman Ziprick at 6:07 p.m., Tuesday, January 11, 2005, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Robert Ziprick, Chairman Stan Brauer, Vice-Chairman Robert Christman Floyd Petersen Karen Gaio Hansberger
Councilman Absent:	None
Others Present:	Executive Director Dennis Halloway General Counsel Richard E. Holdaway

**CRA-2005-001 – Closed Session – Conference with Legal Counsel and Real Property Negotiator (Government Code Section 54956.8)**

Property:	25154 Poplar Drive (APN 0283-121-17)
Negotiating Parties:	Dennis R. Halloway, Pamela Byrnes-O'Camb, David Pettinger and Steve Carr
Under Negotiation:	Price and terms of payment

The Agency Board immediately recessed to consider the closed session item as listed and reconvened at 7:00 p.m. with all members present. General Counsel Holdaway stated that the Agency Board met with its Negotiators and gave direction. There was no final action to report.

The Agency Board recessed and reconvened at 7:14 p.m. with all members present.

**CC-2005-002**

**CRA-2005-001 – Joint Public Hearing of the City Council and Redevelopment Agency relating to an Amendment to the Redevelopment Plan to expand the Agency's eminent domain authority to residential uses**

- a. Agency Board – CRA Bill #R-2005-01 – Certifying proposed Amendment is exempt from CEQA
- b. City Council – Council Bill #R-2005-01 – Certifying proposed Amendment is exempt from CEQA
- c. Council Bill #R-2005-02 – Overruling written and verbal objections and adopting responses to written objections
- d. City Council – Considers Report of Agency, Notice of Exemption, Report and Recommendations of the Planning Commission, Evidence for and against the proposed Amendment, Responds to all written and oral objections to the proposed Amendment, and consents to including all in the record
- e. Council Bill #O-2005-01 (First Reading/Set Second Reading for January 25) Adopting the proposed Amendment to the Redevelopment Plan

The Redevelopment Agency Board reconvened at 7:14 p.m. with all members present.

Mayor Hansberger opened the public hearing and stated that the law under which the City Council and Redevelopment Agency were acting was the Community Redevelopment Law of the State of California which required that certain procedures be followed, both formal and informal, in the conduct of the public hearing; that the Mayor presides over the public hearing; that the documents to be considered were the proposed ordinance approving and adopting Amendment No. 1 to the Redevelopment Plan and the Agency Report to the City Council relating to the Amendment, which included the following:

- 1) The report and recommendation of the Planning Commission.
- 2) A summary of meetings and information presented to residents, community organizations and taxing agencies.
- 3) The Notice of Exemption.
- 4) The report of the County Fiscal Officer, if any, and analysis of such report by the Agency.
- 5) Report concerning consultation with the County of San Bernardino and other taxing agencies.

Mayor Hansberger stated that Notice of the Public Hearing was published pursuant to law, and outlined the procedure for the public hearing, stating that persons making statements and testimony would do so through the Chair

She then called upon Special Counsel Huebsch, who stated that the purpose of the hearing was to consider evidence and testimony for and against the adoption of the proposed Amendment. In order to validly adopt the Amendment, the City and Agency must make certain findings that are set forth in Section 33367 of the California Health and Safety Code, a copy of which was included in the materials previously distributed to the City Council and Agency Board Members. In order to adopt the Amendment, the following findings, which were the major evidentiary findings, were required to be made:

1. The Amendment to the Redevelopment Plan conforms to the General Plan.
2. The condemnation of real properties provided for in the Amendment is necessary to the execution of the Redevelopment Plan and adequate provisions have been made for payment for property to be acquired as provided by law.
3. The Agency has a feasible method and plan for relocation of families and persons who might be displaced temporarily or permanently from housing facilities in the Project Area and also for relocation of businesses.
4. The Amendment will promote the public health, peace, safety, and welfare of the City and effectuate the policies and purposes of Redevelopment Law.

Jack Segal of Community Advisors, Inc., then addressed the City Council and Agency Board, stating that Staff prepared and each Council and Agency Board Member received a binder containing reports, resolutions, statements, memoranda and other information pertaining to the proposed Amendment. Many of the items were included in the binder for convenience, as they had been considered and adopted by the Agency or City Council during earlier proceedings relating to Amendment No. 1. He then introduced the binder and all materials within the binder into the record.

He elaborated that on October 20, 2004, the Planning Commission by way of Resolution No. 15, found that the proposed Amendment conformed to the General Plan and recommended approval of the Amendment. On December 9, 2004, the Project Area Committee (PAC) recommended that the Amendment be adopted. He then entered the Affidavit of Notice of the Hearing, which was on file, into the record. He then referred to and summarized pertinent parts of the Report of the Agency to the City Council, which was the basic supporting documentation for the purpose of Amendment No. 1 to the Redevelopment Plan and the Ordinance that would adopt the Amendment. He noted that the Report previously submitted to the City Council had been available for public inspection.

Mr. Segal went on to say that:

1. The original Redevelopment Project was adopted in 1980 with Project No. 2 adopted in 1987.
2. The Projects, as well as a minor amendment in 1994, were merged as one overall project in 2000.
3. During the process, the total area of more than 2000 acres qualified for redevelopment in that conditions of physical deterioration in this urbanized area and economic needs were identified.
4. Elements of blight in some areas of the Project continue to exist.
5. Private enterprise acting alone had not been able to improve a variety of negative elements in the Project Area.
6. Adequate infrastructure and affordable housing in neighborhoods, in addition to recreational areas, placed a heavy financial burden on the City.
7. Supplementary methods of financing the Project by the Agency were available to implement the Merged Project.
8. The Agency may assist by providing tax increment, interest income, bonds, donations, loans and any other legal means which do not conflict with the goals and objectives of the Merged Plan.
9. At least 20 percent of the Agency's tax increment must be used to increase, improve, and preserve the City's supply of low and moderate-income housing.
10. Sections of the 1980, 1987, 1994 and 2000 Reports to the City Council set forth the Neighborhood Impact Report.
11. The proposed Amendment No. 1 did not affect the information set forth in those reports.
12. The Redevelopment and Housing Implementation Plan adopted by the Agency on December 14, 2004 in accordance with AB 1290 described the specific goals and objectives of the Agency, including programs of action and expenses.
13. The Implementation Plan covered a five-year period and focused on the elimination of the remaining blighting conditions in the Project Area.
14. Affordable Housing Programs were stated in the Implementation Plan, including categories and quantity of need.
15. In its effort to improve affordable housing opportunities for qualified households and to reduce disruption and relocation, the Agency adopted Relocation Rules and Regulations in accordance with State Guidelines, that provide payment and other assistance to households impacted by Agency Programs as well as guide real property acquisition.
16. Since the proposed Amendment No. 1 would result in expansion of existing Agency authority, taxing entities, including the County, were consulted by providing notices and copies of the proposed Amendment in order to obtain review and comments. None were received.
17. The proposed Amendment No. 1 would not change Project boundaries, nor land use, densities, or zoning.

18. The proposed Amendment would provide the Agency with an extension of eminent domain for an additional four years, until January 2017, and include residential properties.
19. The use of such authority, if used at all, would be a last resort in revitalizing areas of the Project, including required affordable housing.
20. Projects No. 1 and 2 were subject to Program Environmental Impact Reports, as was the 1994 Amendment to Project Area 1.
21. The Merged Project received a Negative Declaration.
22. Amendment No. 1 was reviewed for CEQA compliance and an exemption was determined to comply with CEQA Guidelines Section 15320, as a Class 20 Exemption.
23. Staff, Special Counsel, and Advisor held a community meeting on September 16, 2004, and notices were mailed to property owners, residents, and businesses to inform them of the Amendment, the meeting dates, and the formation of a Project Area Committee.
24. A Project Area Committee was formed and the City Council approved its membership.

Mr. Segal explained that the Agency had eminent domain powers since 1980, approximately 25 years; for properties that were not involved with residential use. The proposed Amendment provided that residential properties would be subject to eminent domain. The use of eminent domain by the Agency, over the last 25 years, had been rare. The Agency was mandated by State Law to provide affordable housing, and in doing so, is required to provide by categories and numbers, affordable housing units within a specified period of time. In some cases, it is difficult to assemble parcels, adequate in size, zoned properly, and consistent with the General Plan, in order to provide the affordable housing. The Agency had acquired many parcels without eminent domain; however, as additional properties are purchased, in some cases the price may be exorbitant, surpassing appraisal value, which may stifle an Agency Project. The Projects have been subject to the California Environmental Quality Act (CEQA).

He then explained that should the Agency need a property for a project, the Agency would notify the owner of the Agency's interest; an appraisal would be ordered from an independent appraiser, who would walk the property with the owner; an offer would be made to the owner, based upon the appraisal, who would then have an opportunity to accept, counteroffer, or possibly obtain their own appraisal; negotiations would then occur; if a purchase amount was agreed upon, documents would be drafted for conclusion of sale; if an agreement could not be reached, as a last resort, the Agency may take action to commence eminent domain proceedings, for which a court would determine the value of the property. The Agency would also be required to assist in relocation.

Mayor Hansberger declared the binder as part of the record.

Special Counsel Huebsch clarified that should eminent domain be determined to be necessary, which would occur under a Resolution of Necessity, a two-thirds vote was required, which equated to four affirmative votes of a five-member body. If an eminent domain proceeding was begun, a property owner could challenge the right to take as well as valuation.

The City Clerk stated that four letters received relating to the Amendment would be placed into the record and addressed by Special Counsel.

Mayor Hansberger then asked for public testimony. Those offering comments were: Donna Stocker, 26234 Mission Road; James Stocker, 26234 Mission Road; Tricia Kaiser-Miller, 25758 Lomas Verdes; Rebecca Ludwig, 11171 Oakwood Drive; Lisa Pierce representing the San Timoteo Greenway Conservancy; Marji Barakian, 11464 Via Lido; Alfred Haindl, 25107 Court Street; O. Okwandu, 25104-06 Palm Drive; Susan Haindl, 25107 Court Street; Cole Smith, Bryn Mawr; Milton Beltran, 25619 Miramonte; Aaron Jenks, 24909 University Avenue; Dr. Baldwin; Eunice Hunagard, 10636 Amapolas; John Christianson, 11272 San Juan; Sylvia Sanchez, 25613 Allen Way; Debbie Ingalls, 25448 Lane Street; Marsha Nagel, 11442 Orange Grove; Adrienne Gallant, 26284 Cresthaven Court; Shelly Burke representing The Palms, 25585 Van Leuven Street; Earnest Daniel, 10695 Seamount Drive; April Haindl, 25107 Court Street; Tom Gibson, 11388 Campus Street; Michael Eby, 11384 Campus Street; Kim Boadway, 11671 Ohio Street; Dora Reyes, 25445 Van Leuven Street; Fred Ramos, 26445 First Street, Bryn Mawr; Kimberly Addington, 36 Nies Street; Steve Jackson, 35 Dart Street; Barry Wood, 10872 Pepper Way; Jim Rabenstein, 25888 Miramonte; Shelly Perkinson, 25842 Miramonte; Yvonne Ely, 11879 Westminster Court; Susan Montenero, 25431 Park Avenue; Lance Harpool, 10617 Mt. View Avenue; Christy Roland, 10684 Seamount Drive; Wayne Davis, 10810 Loro Verde; Peter (no address given); Pat Raymore, Rincon Street; Chris Macatubal, 25414 Durango Loop; Lilly Beltran, 25869 Miramonte; Art Gamboa, Havstad Drive; Cindy Prisler, 25446 Lane Street; Leland Lubinsky, 24818 Redlands Boulevard.

A summary of comments is as follows:

1. Eminent domain is threatening, even though it is legal.
2. Residents are proud of their neighborhoods and feel safe; however safety is a concern in some areas.
3. The Flood Control Project was not to be growth inducing.
4. AB 2838 may affect Redevelopment efforts, particularly affordable housing.
5. Families and extended families live in close proximity to one another, which may be affected by eminent domain.

6. Multiple generations have lived in the same house or same area.
7. Materials should have been provided in other languages.
8. There is no greenbelt or bicycle path along San Timoteo Creek.
9. Eminent domain was used by the City of San Bernardino for areas north of the freeway that now houses large commercial and restaurant businesses.
10. Housing costs are too high, thus preventing low-income families from purchasing a home in Loma Linda.
11. The City should provide programs to assist owners in improving their properties.
12. Recent developments have not provided low-income housing.
13. Home owners should not be asked to do something contrary to the best interest of the people who have built the community.
14. Taking property from an unwilling owner is theft.
15. The balance of power is lost when the City Council and Redevelopment Agency are made up of the same people.
16. Since the City has the authority for eminent domain, eminent domain should not be abdicated to the Redevelopment Agency, which has no direct influence by the people.
17. Bryn Mawr residents don't want to be part of Loma Linda.
18. Building low-income housing among higher priced homes is acceptable and successful.
19. Developers should be required to build low-income housing instead of buying out.
20. Twelve years is too long a period for the Amendment.
21. The Amendment appears to be a broad-brush approach.
22. Properties were being improved.
23. The City would benefit monetarily because of eminent domain and new construction.
24. Eminent domain has been associated with airports, infrastructure, and commercial areas.
25. The Council is to be thanked for past help received.

Council/Board Members commented that the Redevelopment Project Area encompassed a large area; the Agency was required to notify all residents and businesses in the Project Area of any proposed changes governing the Redevelopment Area; San Bernardino Associated Governments (SANBAG) has been studying plans for an improved interchange at Anderson Street/Tippecanoe and the I-10 Freeway; an Amendment to the Redevelopment Plan was a long, legal process as would be the process if it were ever to be used; tax increment was reinvested in the area, including affordable housing; redevelopment funds were separate from City funds and were State regulated as to use.

No other public testimony was offered and the public hearing was closed.

The City Council and Agency Board recessed at 9:35 p.m. and reconvened at 9:46 p.m. with all members present.

Special Counsel Huebsch stated that pursuant to Redevelopment Law, the Agency must consider responses to written comments. Those comments would be prepared and submitted at a later date.

**Motion by Ziprick, seconded by Brauer and unanimously carried to continue the item to February 8 for the purpose of receiving response to written objections.**

The Agency Board recessed at 9:47 p.m.

The Agency Board recessed at 9:47 p.m. and reconvened at 11:01 p.m. with all members present. No items were added or deleted, nor were any public participation comments were offered upon invitation of the Chair. No conflicts of interest were noted.

#### General

#### CRA-2005-003 – Minutes of November 9 and 16; December 14

**Motion by Petersen, seconded by Christman and unanimously carried to approve the Minutes of November 9 and 16 and December 14 as presented.**

#### CRA-2005-004 – Chamber of Commerce Quarterly Report and request for disbursement of funds pursuant to Agreement with the Agency

**Motion by Petersen, seconded by Christman and unanimously carried to receive the report and authorize disbursement of funds pursuant to Agreement with the Agency.**

The meeting adjourned at 11:02 p.m.

Approved at the meeting of

Loma Linda Redevelopment Agency

Minutes

Regular Meeting of January 25, 2005

A regular meeting of the Redevelopment Agency was called to order by Chairman Ziprick at 5:40 p.m., Tuesday, January 25, 2005, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present: Robert Ziprick, Chairman  
Stan Brauer, Vice-Chairman  
Robert Christman  
Floyd Petersen  
Karen Gaio Hansberger

Councilman Absent: None

Others Present: Executive Director Dennis Halloway  
General Counsel Richard E. Holdaway

CRA-2005-005 – Closed Session – Conference with Legal Counsel and Real Property Negotiator  
(Government Code Section 54956.8)

Property: 25154 Poplar Drive (APN 0283-121-17)  
Negotiating Parties: Dennis R. Halloway, Pamela Byrnes-O'Camb, David Pettinger and Steve Carr  
Under Negotiation: Price and terms of payment

The Agency Board immediately recessed to consider the closed session item as listed and reconvened at 7:00 p.m. with all members present. General Counsel Holdaway stated that the Agency Board met with its Negotiators and gave direction. There was no final action to report.

The Agency Board recessed at 7:00 p.m. and reconvened at 7:44 p.m. with all members present. No items were added or deleted, nor were any public participation comments offered upon invitation of the Chair.

The meeting adjourned at 7:45 p.m.

Approved at the meeting of

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Secretary